

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA

Case Number: 1:05-cr-10106-DPW

v.

MICHAEL O'DONNELL,
Defendant.

MOTION TO SEAL

NOW COMES DEFENDANT, Michael O'Donnell, by his attorney, and moves the Court, respectfully, pursuant LR7.2, for an order seal the defendant's motion for a downward departure based on a combination of factors and mental and emotional condition. Counsel seeks leave hereby to seal the downward departure motion and the defendant's sentencing memorandum so that expert psychological reports and other personal and medical information will not be publicly viewable in CM/ECF. In accordance with L.R. 7.2 (c), there should be no cut-off date for the order sought in this motion; once the judgment of this action becomes final as to all defendants and collateral review has concluded (or time for the same has expired), material not specifically released from impoundment should be returned to counsel for destruction. This request should not be construed as a blanket order of impoundment. L.R. 7.2(e). It is intended to apply only to confidential records, submissions of the defense in connection with sentencing and any anticipated expert reports.

Counsel certifies as follows in accordance with LR 7.1(a)(2) ¹: Counsel has contacted AUSA Cabell to attempt to determine whether he would oppose this motion but Mr. Cabell has not been available.

Dated this 14th day of April, 2006 at Boston, Massachusetts.

/s./ Kevin L. Barron

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CERTIFICATE OF SERVICE

Counsel certifies that he has served AUSA Donald Cabell electronically with a true copy of this motion by the CM/ECF of this District today on April 14, 2006. No party requires service by mail.

/s./ Kevin L. Barron

Kevin Lawrence Barron 550712

¹ " *Motion Practice*. No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue." LR 7.1 (a)(2).